



UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/939,860
Filed: 08/27/01
Title: Biodegradable Plant Shell
Applicant: Cook, Lynnwood C.
Group: 3643
Examiner: Griles, Bethany L.

Atty. Docket: COOK 3.2

Assistant Commissioner for Patents
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GROUP 3600

RESPONSE B

In response to the Office Action dated April 21, 2003, please amend claim 1 and add new claim 19 in the above patent application in the manner set forth in the attached claim amendments.

REMARKS

In the subject office action, all of the claims have been rejected over the Ivy Acres website alone or in view of a Reis, et al. publication. These rejections are respectfully traversed.

First, it is urged that the citation of the Ivy Acres website is not appropriate because the Ivy Acres website is not a prior art publication and is therefore not prior art. Withdrawal of the Ivy Acres website as a reference is therefore respectfully requested.

Notwithstanding the fact that the Ivy Acres website is not prior art, plant containers made of coir (coconut husk fiber) of the type apparently made by Ivy Acres are believed to be known. These products, however, are not much different from the other conventional starter pots formed of papier-mache or peat, as disclosed in the present application. In essence, all of these products are long lasting pots with thin walls that contain no nutrients. As Ivy Acres states in its website (p.2, paragraph 2):

“Ivy Acres has experimented with other natural materials in the past, including papier maché and peat, but none has held up as well as the coir pot.” (emphasis supplied)